

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

Everette E. Howard,

Petitioner,

v.

Case No. 3:17-cv-015
Judge Thomas M. Rose

Warden, London Correctional Institution,

Respondent.

**DECISION AND ENTRY ADOPTING SUPPLEMENTAL REPORT AND
RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE
MERZ (ECF 39), OVERRULING PETITIONER'S OBJECTIONS TO
MAGISTRATE'S REPORT AND RECOMMENDATIONS, (ECF 36, 41),
DENYING PETITION FOR WRIT OF HABEAS CORPUS, (DOC. 1), AND
TERMINATING THE INSTANT CASE.**

On December 1, 2017, Magistrate Judge Michael R. Merz filed a Report and Recommendation, (ECF 35), suggesting that the Court deny Petitioner's Motion for a Certificate of Appealability. (ECF 34). Petitioner filed Objections, (ECF 36), prompting the Magistrate Judge, after a recommittal, (ECF 38), to file a Supplemental Report and Recommendation. (ECF 39). Petitioner then filed Objections to the Magistrate's Supplemental Report and Recommendation. (ECF 41).

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case, taking into consideration both of Petitioner's objections. Upon said review, the Court finds that Petitioner's Objections, (ECF 36, 41), to the Magistrate Judge's Supplemental Report and Recommendations, (ECF 35, 39), are not well taken

and they are hereby **OVERRULED**. Because reasonable jurists would not disagree with the Court's decision denying Petitioner's Petition for a Writ of Habeas Corpus, (ECF 29), Petitioner is denied a certificate of appealability and the Court certifies to the Sixth Circuit that any appeal would be objectively frivolous and Petitioner therefore should not be permitted to proceed *in forma pauperis*. The Court **ADOPTS IN FULL** the Magistrate Judge's Report and Recommendations. (ECF 35, 39). The case remains **TERMINATED**.

DONE and **ORDERED** this Tuesday, January 23, 2018.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE